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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,201	07/28/2003	Gil-Soo Lee	CU-3307 WWP	6109
26530	7590	10/01/2004	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1200 CHICAGO, IL 60604			SWARTHOUT, BRENT	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,201

Applicant(s)

LEE, GIL-SOO

Examiner

Brent A Swarthout

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. The disclosure is objected to because of the following informalities: Claim 6 should be in single sentence format.

Appropriate correction is required.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5 and claim 2, line 3 "braking signal" has no antecedent basis.

In claim 3, line 3 "the braking signal " has no antecedent basis, on line 4 it is unclear how a "pedal and road are separated", on line 5 "accelerator rod's contact" and "the sensor" have no antecedent basis; and on line 6 "the other side" and "the accelerator" have no antecedent basis.

In claim 4, line 3 "the braking signal", line 4 "the object", and line 5 "the sensor" all have no antecedent basis.

In claim 5, lines 2-3 "the simultaneous operation" and line 3 "the braking signal transmission" all have no antecedent basis.

In claim 6, line 3 "the braking signal" has no antecedent basis; on line 4 "exerting pressure on the feet" is unclear as to where foot pressure is applied; and on line 5 "stopping the brake by perceiving the feet" is unclear.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- a. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by
Colemere, Jr.

Colemere discloses a vehicle control device comprising perception means (Fig.3) for locating position of driver's feet and accelerator pedal (col. 16, lines 40-45), signal transmission of control signal (col.9, lines 20-30) and braking means for providing automatic braking (col. 13, lines 15-20).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- b. Claims 2,3 and 6 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Colemere, Jr.

Regarding claims 2 and 6, providing cessation of braking signal upon pressure sensed on accelerator, or braking signal when pressure was applied to a brake pedal are typical functions of an early braking indication system, and use with an automatic braking system as disclosed by Colemere would have been obvious in order to allow return to normal operation once a pending braking condition was no longer evident.

Regarding claim 3, Colemere teaches sensor or accelerator pedal (col. 16, line 43, col.3).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Colemere, Jr. in view of Shaw et al.

Shaw discloses desirability of providing automatic braking based on detection of obstacles around a vehicle (abstract).

It would have been obvious to use an obstacle detection system as suggested by Shaw in conjunction with an automatic braking system as disclosed by Colemere, in order that braking adjustments could have been made to the system to account for close-by obstacles, thus allowing quick braking, while minimizing nuisance warnings.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colemere, Jr. in view of Taday.

Taday teaches the desirability of providing engine braking when foot is lifted off of an accelerator, the same condition which results in automatic braking by Colemere.


Choosing to use engine braking in conjunction with automatic braking as taught by Colemere would have been obvious in order to allow more rapid braking to take place, which would have permitted quick stopping in an emergency.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Engelman et al. and Marks disclose vehicle braking systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brent A Swarthout
Examiner
Art Unit 2636

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**